

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. R-10.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby
designated a B-4 (Roadside Business) District under the terms
of Chapter 33 of the Code of the City of Fort Wayne, Indiana
of 1974:

Part of Lot Numbered 12 in W. A. Ewing's Subdivision in
the Northwest Quarter of Section 5, Township 30 North,
Range 13 East, Allen County, Indiana, more particularly
described as follows:

Commencing at the Northwest corner of Lot Numbered 9 in
W. A. Ewing's Subdivision in the Northwest Quarter of
Section 5, Township 30 north, Range 13 East, Allen
County; thence South along the West line of said Lot #9
and the West line of Lot #12 in said W.A. Ewing's
Subdivision, a distance of 378.0 feet to the true point
of beginning; thence East with a deflection angle to the
left of 90 degrees 03 minutes 30 seconds and parallel to
the North line of said Lot #9 and the North line of said
Lot #12 in W.A. Ewing's Subdivision, a distance of 848.2
feet to a point on the West right-of-way line of Coliseum
Boulevard North (U.S. Highway #24 & #30) thence South
with a deflection angle to the right of 91 degrees 14
minutes along said West right-of-way line, a distance of
142.0 feet; thence West with a deflection angle to the
right of 88 degrees 46 minutes and parallel to the North
line of said Lot #12, a distance of 240.0 feet; thence
South with a deflection angle to the left of 88 degrees
46 minutes and parallel to said West right-of-way line of
Coliseum Boulevard North, a distance of 140.0 feet to a
point on the South line of said Lot #2; thence West with
a deflection angle to the right of 88 degrees 46 minutes
along the South line of said Lot #12, a distance of 602.4
feet to the Southwest corner of said Lot #12; thence
North with a deflection angle to the right of 90 degrees
03 minutes 30 seconds along the West line of said Lot
#12, a distance of 282.0 feet to the point of beginning,
containing 4.70 acres, subject to easements.

SUBJECT TO AND TOGETHER WITH:

An easement for ingress, egress, utility purposes, and a
service drive as recorded in Document #70-4106 in the
Office of the Recorder of Allen County, Indiana.

ALSO TOGETHER WITH:

An ingress and egress easement being more particularly
described as follows:

Part of Lot Numbered 12 in W.A. Ewing's Subdivision in
the Northwest Quarter of Section 5, Township 30 North,
Range 13 East, Allen County, Indiana, more particularly
described as follows:

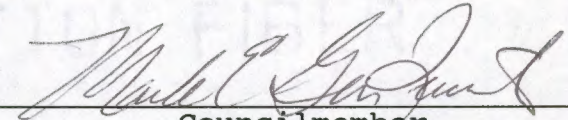
Commencing at the Northwest corner of Lot Numbered 9 in
W.A. Ewing's Subdivision in the Northwest Quarter of
Section 5, Township 30 North, Range 13 East, Allen
County; thence South along the West line of said Lot #9
and the West line of Lot #12 in said W.A. Ewing's

#524

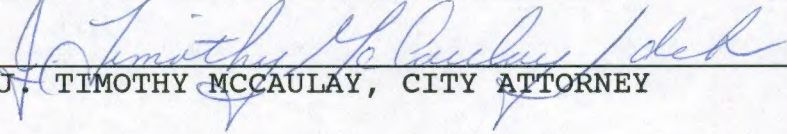
Subdivision, a distance of 378.0 feet; thence East with a deflection angle to the left of 90 degrees 03 minutes 30 seconds and parallel to the North line of said Lot #9 and the North line of said Lot #12 in W.A. Ewing's Subdivision, a distance of 758.2 feet to the true point of beginning; thence continuing East along the aforesaid line, a distance of 90.0 feet to a point on the West right-of-way line of Coliseum Boulevard North (U.S. Highway #24 & #30); thence North along said right-of-way line, a distance of 110.0 feet; thence West and parallel to the North line of the aforesaid Lot #12, a distance of 90.0 feet; thence South and parallel to the West right-of-way line of Coliseum Boulevard North, a distance of 110.0 feet to the point of beginning, containing 0.23 acres.

and the symbols of the City of Fort Wayne Zoning Map No. R-10, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Edmonds, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 9-22-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds, and duly adopted, placed on its passage. ~~LOST~~ PASSED by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8			1
BRADBURY	✓			
EDMONDS	✓			
GiaQUINTA				✓
HENRY	✓			
LONG	✓			
LUNSEY	✓			
RAVINE	✓			
SCHMIDT	✓			
TALARICO	✓			

DATED: 10-13-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK
Nadylde Escobedo, Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 2-11-92 on the 13th day of October, 1992

ATTEST: (SEAL) Thomas P. Henry
PRESIDING OFFICER

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK
Nadylde Escobedo, Deputy Clerk

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1992, at the hour of 11:30 o'clock A., M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK
Nadylde Escobedo, Deputy Clerk

Approved and signed by me this 16th day of October, 1992, at the hour of 10:30 o'clock AP, M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

FACT SHEET

Z-92-09-21

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Map Amendment

APPROVAL DEADLINE**REASON**

From B1B to B4

DETAILS**Specific Location and/or Address**

1033 N Coliseum B1

Reason for Project

Mini-Warehouse Development

Discussion (Including relationship to other Council actions)
21 September 1992 - Public Hearing

William Swift, 590 Lincoln Bank Tower, attorney for the petitioners appeared before the Commission. Mr. Swift stated that his clients were requesting the rezoning in order to bring this property in line with the current zoning on the rest of the Frank's Nursery property. He stated that they want to sell the property to a group for the purpose of erecting mini-warehouses. He stated that they have filed a request with the Board of Zoning Appeals for a Special Use permit for the use of the property for mini-warehouses in a B-4 District, pending the outcome of the rezoning request.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

28 September 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**Frank's Nursery & Crafts Inc
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS**
(For Council
use only)☐ Pass ☐ Other
☐ Pass (as
amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote. Motion carried.

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

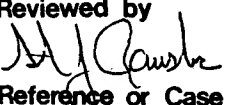
Date August 20, 1992

Projected Completion or Occupancy

Date September 29, 1992

Fact Sheet Prepared by
Patricia Biancaniello

Date September 29, 1992

Reviewed by

Reference or Case Number

Date SEPTEMBER 29, 1992

RECEIPT

No 10930

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND.,

8/20 1992

RECEIVED FROM

Hayes Supply et al \$ 200.00
two hundred + 00/100 DOLLARS

THE SUM OF

ON ACCOUNT OF

Reggie B13 to B-7
B33 N Coliseum Bl
Fattz

1598

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATEI/We Frank's Nursery & Crafts, Inc.

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/~~an~~ B-1B District to a/~~an~~ B-4 District the property described as follows:

Part of Lot #12 in W. A. Ewing's Subdivision as further described on the reverse side.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 1033 Coliseum Blvd. North

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Frank's Nursery & Crafts, Inc.

6501 E. Nevada
Detroit, Michigan 48234

BY John R. Ficarro

John R. Ficarro
Vice President

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the hearing for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the ~~PREPARER~~, attorney ~~OR AGENT~~.

William D. Swift

(Name)

590 Lincoln Tower, Fort Wayne, IN (219) 423-4422

(Address & Zip Code) 46802 (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

LEGAL DESCRIPTION

Part of Lot Numbered 12 in W. A. Ewing's Subdivision in the Northwest Quarter of Section 5, Township 30 North, Range 13 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of Lot Numbered 9 in W. A. Ewing's Subdivision in the Northwest Quarter of Section 5, Township 30 North, Range 13 East, Allen County; thence South along the West line of said Lot #9 and the West line of Lot #12 in said W. A. Ewing's Subdivision, a distance of 378.0 feet to the true point of beginning; thence East with a deflection angle to the left of 90 degrees 03 minutes 30 seconds and parallel to the North line of said Lot #9 and the North line of said Lot #12 in W. A. Ewing's Subdivision, a distance of 848.2 feet to a point on the West right-of-way line of Coliseum Boulevard North (U. S. Highway #24 & #30); thence South with a deflection angle to the right of 91 degrees 14 minutes along said West right-of-way line, a distance of 142.0 feet; thence West with a deflection angle to the right of 88 degrees 46 minutes and parallel to the North line of said Lot #12, a distance of 240.0 feet; thence South with a deflection angle to the left of 88 degrees 46 minutes and parallel to said West right-of-way line of Coliseum Boulevard North, a distance of 140.0 feet to a point on the South line of said Lot #12; thence West with a deflection angle to the right of 88 degrees 46 minutes along the South line of said Lot #12, a distance of 602.4 feet to the Southwest corner of said Lot #12; thence North with a deflection angle to the right of 90 degrees 03 minutes 30 seconds along the West line of said Lot #12, a distance of 282.0 feet to the point of beginning, containing 4.70 acres, subject to easements.

SUBJECT TO and TOGETHER WITH:

An easement for ingress, egress, utility purposes, and a service drive as recorded in Document #70-4106 in the Office of the Recorder of Allen County, Indiana.

ALSO TOGETHER WITH:

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Legal Description of property to be rezoned.

Part of Lot #12 in W. A. Ewing's Subdivision as further described on
the reverse side.

Owners of Property

Frank's Nursery & Crafts, Inc.

6501 E. Nevada
Detroit, MI 48234

BY 

Its: Director of Real Estate

Date: 8-20-92

John P. Nuzman

(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 22, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-92-09-21; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 21, 1992.

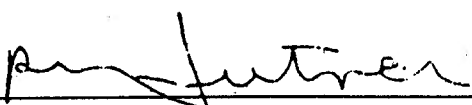
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 28, 1992.

Certified and signed this
29th day of September 1992.

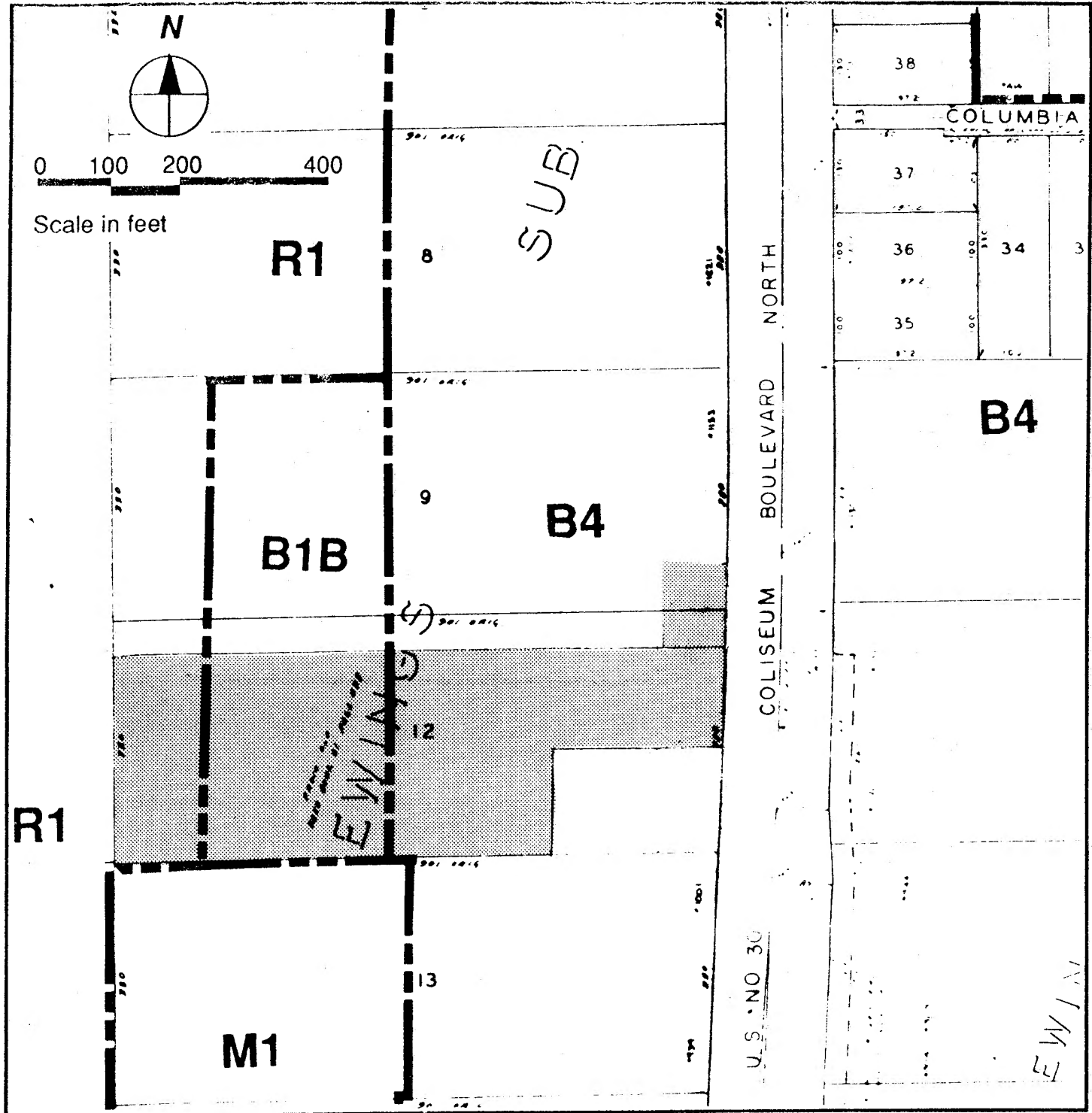


Robert Hutner
Secretary

REZONING PETITION

AREA MAP

CASE NO. #524



COUNCILMANIC DISTRICT NO. 2

Map No. R-10
LW 8-24-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

#524

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 1033 N Coliseum Bl

2-92-09-21

EFFECT OF PASSAGE Property is currently zoned B1B - Limited Business. Property will become B-4 - Roadside Business.

EFFECT OF NON-PASSAGE Proprty will remain zoned B1B - Limited Business.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

BILL NO. 7-92-09-21

REPORT OF THE COMMITTEE ON
REGULATIONS

CLETUS R. EDMONDS, CHAIR
MARK E. GIAQUINTA, VICE CHAIR
RAVINE, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. R-10

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

[Handwritten signatures in blue ink: Cletus R. Edmonds, Mark E. Giaquinta, and Ravine Schmidt]

DATED: 10-13-92

Sandra E. Kennedy
City Clerk